IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

FAO.No. 236 of 2007()

AGAINST THE ORDER DATED 26/03/2007 IN IA.4956/2006 IN OS.837/2006 of PRL.SUB COURT,THRISSUR
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APPELLANTS/PETITIONERS-PLAINTIFFS:
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1. AMMINI, AGED 70 YEARS,
W/O CHACKALAKKAL JOSE,
PALAKKAL DESOM, PALISSERY VILLAGE,
THRISSUR TALUK.

2. BOBBAN, AGED 47 YEARS, S/O AMMINI,
PALAKKAL DESOM, PALISSERY VILLAGE,
THRISSUR TALUK.

3. SIMON, AGED 57 YEARS,
S/O AMMINI, PALAKKAL DESOM,
PALISSERRY VILLAGE, THRISSUR TALUK.

4. VINCENT, AGED 55 YEARS,
S/O CHAKKALAKKAL KUNJU PALOO,
PALAKKAD DESOM, PALISSERRY VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT/RESPONDENT-DEFENDANT:

GEORGEKUTTY, AGED 53 YEARS,
S/O CHAKKALAKKAL KUNJU PALOO,
PALAKKAL DESOM, PALISSERRY VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.V.CHITAMBARESH(CAVEATOR)
SRI.T.C.SURESH MENON

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

F.A.O.NO.236 OF 2007 ()

Dated this the 21st day of August, 2007

J U D G M E N T

KOSHY,J.

Appellant filed an application to restrain the respondent from conducting any construction work or from alienating the plaint schedule property or from creating any document or from committing any waste. By impugned order an ex parte injunction order originally granted, was vacated. Aggrieved by the same, this appeal is filed.

Heard both sides. The partition suit is pending. We are not expressing any opinion regarding the merits of the case. Considering the circumstances of the case, we are of the view that injunction can be granted against alienating the property or committing any waste. We also make it clear that if any constructions are made, that will be subject to the result of the suit and if the suit is decided against them, defendants will not

be able to claim any equities for constructions made here after.

With the above observations this appeal is disposed of.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

21st August, 2007